

REMARKS

Applicant has cancelled claims 51-53, 64-67, 69, and 78-81 without prejudice or disclaimer. Applicant reserves the right to pursue claims similar to or identical to these claims in one or more continuations applications claiming priority to the instant application.

Claims 33-35, 38-44, 47-50, 56-59, 61-63, 70, and 72-77 are now pending for examination.

Rejections under 35 U.S.C. §102(b) and §103(a)

Claims 51-53, 64-67, 69, and 78-81 have been rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being obvious over Carniglia, *et al.* U.S. Patent No. 5,391,550.

Applicant has cancelled claims 51-53, 64-67, 69, and 78-81, thereby rendering this rejection moot. Accordingly, it is respectfully requested that this rejection be withdrawn. However, Applicant does not concede that the rejection is accurate.

Double Patenting

Claims 33-35, 38-44, 47-53, 56-59, 61-67, 69, 70, and 72-81 have been provisionally rejected under the judicially-created doctrine of obviousness-type double-patenting as being unpatentable over claims 1-6, 9-13, and 15 of U.S. Pat. Apl. Ser. No. 10/201,635. However, the Patent Office stated that a timely filed Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c) may be used to overcome this rejection.

Without acceding to the correctness of this rejection, enclosed herewith is a Terminal Disclaimer with respect to U.S. Pat. Apl. Ser. No. 10/201,635 in compliance with 37 C.F.R. §1.321(c) to overcome this rejection. In view of this Terminal Disclaimer, claims 33-35, 38-44, 47-50, 56-59, 61-63, 70, and 72-77 are believed to allowable (the other claims have been cancelled, thereby rendering their rejection moot). Withdraw of the rejections of these claims is therefore respectfully requested.

CONCLUSION

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after the foregoing remarks, that the application is not in condition for allowance, the Examiner is requested to call the undersigned at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: October 22, 2007

Respectfully submitted,

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